

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES BARTON,

Plaintiff,

Case No. 15-cv-13362

v.

UNITED STATES DISTRICT COURT JUDGE
GERSHWIN A. DRAIN

CITY OF LINCOLN PARK, ET AL.

Defendants.

UNITED STATES MAGISTRATE JUDGE
DAVID R. GRAND

**ORDER GRANTING DEFENDANTS' MOTION TO STAY PROCEEDINGS PENDING
OUTCOME OF APPEAL [47]**

This is an excessive force action against four police officers and the City of Lincoln Park. The Complaint included three counts: (1) excessive force pursuant to 42 U.S.C. § 1983 against each officer; (2) Fourth Amendment violations against the City of Lincoln Park; and (3) gross negligence against all Defendants.

On October 14, 2016, Defendants moved for partial summary judgment. Dkt. No. 34. On December 22, 2016, the Court granted Summary Judgment, in Defendants' favor, with respect to gross negligence claims. The Court, however, denied summary judgment with respect to the Section 1983 claims against the City of Lincoln Park and Officer Behrik. On January 20, 2017, Defendants appealed this Court's partial denial of summary judgment. Dkt. No. 44.

Before the Court is Defendants' Motion to Stay Proceedings Pending Outcome of Appeal. Dkt. No. 47. Plaintiff does not oppose staying the proceedings. Dkt. No. 48.

The Court finds good cause and will **STAY** the proceedings in this case pending the outcome of Defendants' appeal.

SO ORDERED.

Dated: February 21, 2017
Detroit, MI

/s/Gershwin A Drain
HON. GERSHWIN A. DRAIN
United States District Court Judge

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, February 21, 2017, by electronic and/or ordinary mail.

/s/Tanya Bankston
Case Manager, (313) 234-5213